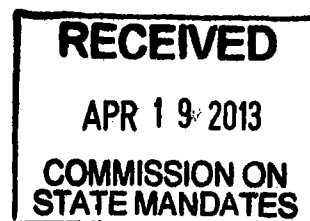


Behavioral Intervention Plans, CSM-4464
Claimants' STATEMENT TO COMMISSION
April 19, 2013



We do not believe that the Commission has the authority to determine the years to be included in the initial claiming period; we believe that the initial claiming period is a function of the date the Controller issues the claiming instructions. However, the Commission does have authority over the years to which the RRM applies.

If the initial claim period includes 2012-13, then local educational agencies (LEAs) will be required to file claims from 1993-94 through 2012-13 within 120 days of the Controller's issuance of claiming instructions. (Government Code § 17561(c)(1)(A).)

- Assuming the Controller issues claiming instructions 90 days after the issuance of the Commission's decision (late July), LEAs will be required to file claims for all 20 years within 120 days, or by late November 2013.
- This will be true although all annual claims for 2012-13 are due to be filed February 15, 2014, seven months after the end of the 2012-13 fiscal year.
(Government Code § 17560(a).)
- It makes no sense to bifurcate the initial claim period to include 19 years utilizing an RRM and one year requiring actual costs, all due within 120 days of the issuance of the claiming instructions.

This timeline will work a hardship on LEAs claiming for BIP. Applying the RRM to 2012-13 would make it more likely that LEAs could file a timely BIP claim for that year since:

- LEAs have not been maintaining actual costs for BIP; and
- Collecting actual costs will be time-consuming and burdensome. The seven month statutory timeline to file annual claims (Government Code section 17561(c)(1)(A)) is an implicit acknowledgement that it takes a great deal of time to put together claims after the end of the fiscal year.

Claimants therefore request that the RRM include 2012-13 and apply to all 20 years, 1993-94 through 2012-13.